

CITY OF RALEIGH
STORMWATER MANAGEMENT ADVISORY COMMISSION (SMAC)

Minutes

Raleigh Municipal Building · 222 W. Hargett Street · Conference Room 305 3:00 p.m. · Thursday, February 2, 2017
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Commission Members Present: Matthew Starr (*vice chair*), Marion Deerhake, Ken Carper, Francine Durso, Evan Kane, Chris Bostic, Vanessa Fleischmann, and Kevin Yates.

Stormwater Staff Present: Blair Hinkle, Suzette Mitchell, Kelly Daniel, Scott Bryant, Carmela Teichman, Giles Bellot, Kristin Freeman, Justin Harcum, James Pflaum, Lory Willard, Lauren Witherspoon, Alex Shpik, LaShanda Howard-Farmer, Sheila Thomas-Ambat, Ashley Rodgers, Ben Brown, Wenju Zhang, Veronica High, and Kevin Boyer.

Members Absent: Marc Horstman (*chair*) and David Webb

Guest: Mike Wayts, Sara Meadows, and Alicia Tolbat.

Meeting called to order: 3:03 p.m. by Matthew Starr

Motions: (Absentees and Minutes)

- Absence: Mr. Kane made a motion to excuse Marc Horstman and David Webb from today's meeting and Ms. Fleischmann seconded. The motion was approved unanimously.
- December Meeting Minutes: Mr. Starr made a motion to approve December's meeting minutes and Mr. Kane and Ms. Fleischmann seconded. Mr. Carper commented on page three, the last paragraph, the word should be "attenuation" and not "continuation" in reference to the White Oak Lake project. Mr. Starr made a revised motion to approve, pending the noted change by Mr. Carper, and Mr. Kane seconded. The motion was approved unanimously.

The following items were discussed with action taken as shown.

1. **Stormwater Staff Report:**

- Staffing Update – *Senior Staff Support Specialist – LaShanda Howard-Farmer*
- 2017 Environmental Awards Update (*Carmela Teichman*) – *The deadline for all entries in the Raleigh's Streams & Stormwater Video Competition is February 14, 2014. No official videos have been received as of today. Ms. Deerhake is representing the Commission on the grand jury at the next committee meeting scheduled on Tuesday. The event will be held on April 25 from 6:30 – 9:00 p.m. at AC Fletcher Opera Theater with videos shown during the event. SMAC will review the videos and vote on them at the next meeting in March. A member from the Environmental Advisory Board will be in attendance at that meeting. The grand jury will meet for the environmental awards on March 9.*
- March 2 SMAC meeting – *There will be only two items on the agenda for March. The open session meeting will be on the election of chair and vice-chair and the closed session meeting will be to review videos for Raleigh's Streams & Stormwater Video Competition.*
- Lake Preservation Policy – *Staff continues to coordinate with the City Attorney's Office on this item.*

2. **Project Update – Lower Longview Lake Dam:**

Giles Bellot (*Project Engineer II*) provided a presentation on Lower Longview Lake Dam. The presentation overview consisted of information about the watershed, project history from 1989 to present, engineering firm for the project, existing dam data, dam safety deficiencies, design

constraints and configurations, sediment depth, dredging plans and recommendations, and the project status.

Mr. Carper questioned why wetlands are not included in dredging as far as permitting. **Giles Bellot** answered that the U.S. Army Corp of Engineers (USACE) set boundaries where we cannot encroach on. **Blair Hinkle** added that in order to move on with the dredging it was decided the City was going to spend \$300,000. The permitting to establish jurisdictional wetlands would use a large portion of that and when we started discussion with the residents we established early on in the process those jurisdictional wetlands would not be removed as part of what we called dredging. The dredging would be confined within the open water of the lake.

Mr. Kane asked was there any resistance to the assessment. **Giles Bellot** said there were people upfront that did not want to do it. Staff informed the residents it had to be 100 percent participation; otherwise, we were not going to be able to do the dredging. **Blair Hinkle** explained since it is an assessment for a Stormwater project, City Council could have just assessed because from a legal standpoint it did not require any feedback from the neighborhood. City Council needed to see a significant participation rate from the neighborhood and we had a fraction ownership issue where we had to get every single signature on an easement to access the lake to do the dredging. While it was not necessarily 100 percent participation for the assessment to take place, it was necessary for 100 percent participation for the actual work to take place.

Blair Hinkle noted the reason the Commission is being updated on legacy projects is because we as staff take it seriously. He said we measure our success by a key performance indicator, which is reported quarterly to the City Manager's team, on our ability to deliver the projects. Our staff wants to keep the Commission updated on the projects lifecycle and timeline,= and to make sure this is an opportunity to commit to ensure these projects are delivered in a timely manner.

3. **Project Update – Green Infrastructure/Low Impact Development (GI/LID) Implementation:**

Kevin Boyer gave the Commission an update on the GI/LID implementation and distributed hand-outs on what has been worked on. He noted that in May, Stormwater staff presented specific recommendations to the City Council who authorized staff to prepare text changes for the Planning Commission. We had two work groups comprised of outside contributors and internal staff that worked on two comprehensive reports and the recommendations appears in the hand-outs. Today's discussion will focus on a few of the work items that we are working on first:

- Review Ordinances and Policies – *These are the text changes (pages 1 – 9) to the code that will be taken to the Planning Commission in March. Some are simple word changes, while others are more comprehensive:*
 - *Allowing devices other than or in addition to wet ponds for certain developments in water supply watersheds.*
 - *Recent addition from staff initiative (Item 8.6) – The City entering into agreements with private developers to do work on behalf of the City outside of their requirements, but while they are working on their development.*
- Some places the code prohibits stormwater features and landscaping from being in the same place.
- Changes not in the Unified Development Ordinance (UDO) that staff are pursuing:
 - *Standard details for LID – Putting bio-swales and bio-retention in the City right-of-way.*
 - *Making fact sheets available on the website for developers and designers coming in for due diligence meetings.*
 - *Using incentives to encourage LID – Providing a preferred path for plan reviews and permitting for GI/LID. Having a special green express review team waiving permitting fees to include GI/LID in the design process.*

Ms. Durso informed the Commission of a project that was done on Kaplan Drive near North Carolina State University. She stated it helps with traffic calming around the school, but there are also nice planting areas where you can see stormwater directed in these areas. It is really appealing and meets the objectives of GI/LID and stormwater management. It is an ideal project that is serving a lot of purposes.

Kevin Boyer stated he forgot to mention item #5. The key word “maintained” was changed during the workgroup process to focus on all stormwater Best Management Practices (BMPs).

Alicia Tolbat (*guest*) had a question about Stormwater buildup by the curbside in absence of drainage by her home on Lenoir/Alston Street. **Blair Hinkle** said if she remains until the meeting is over he would get her information.

Ms. Deerhake wanted to know if you ever anticipate the State will develop language that deals with low impact policies/rules that the City will eventually have to align with. **Kevin Boyer** said we keep track of what the State does and we have taken advantage of it; however, we cannot anticipate what they will do.

Mr. Bostic asked if he could elaborate more broadly on the next steps. **Kevin Boyer** said BMP maintenance is gearing up in July. The code revisions will probably take six to eight months to work through the process including a public hearing. We are always working on retrofits, and one of the front burning items is working on the Green Raleigh Revenue (*special permitting process that will involve other departments*).

Mr. Yates thanked Kevin Boyer and others that were involved in putting all this together. He asked if some of the text changes and design concepts are a universal model that would be applicable to zoning type watersheds. **Kevin Boyer** responded that the ordinance varies depending on where it is or what kind of zoning it is and the only consideration for watershed is whether it is in a water supply watershed or not.

Ms. Fleischmann asked would this be limited to developers, commercial property owners, or private citizens. **Kevin Boyer** answered that it was not limited either way.

Mr. Yates asked when it is close to being acceptable and everyone has buy-in, will it be an adaptable ordinance. **Kevin Boyer** said generally with anything in the code there are certain aspects that are left to the discretion of staff. It is routine for text changes to come back through City Council and the Planning Commission to make adjustments because of lessons learned. He added that it could be read more than one way and the development community could be reading it in a different way than what we intended.

Ms. Durso wanted it recognized that when Kevin Boyer was chair on SMAC a lot of the work started. She mentioned there was a small subcommittee of SMAC that work with him on this and it is wonderful that Kevin has continued to pursue this item.

4. **Stormwater Utility Fee Credit Manual:**

Scott Bryant continued from previous meetings with the discussion of the Stormwater Utility Fee Credit Program. He said today’s key topics are a working draft framework for an updated fee crediting program, a potential applicability of an updated fee crediting program, and any feedback from SMAC.

Feedback from Discussion

- Staff presented the working draft and revised fee crediting framework – the enhanced framework would go from peak credit only to peak, volume, and water quality credit. Non-structural credit could continue to include National Pollutant Discharge Elimination System (NPDES) as well as other approved non-structural measures. If agreed upon by decision makers, the cap on credits would be lowered to 50 percent from the current 85 percent based upon an updated budgetary expenditure analysis. The new framework could be potentially applied for retrofit sites (controls not required) and for sites that go beyond required stormwater standards associated with development and redevelopment.
- The City's policy on fee credits from program inception (2004) to date has been to not provide credits for sites meeting standard stormwater management requirements. Staff noted that this policy would not be recommended for change at this time based upon the potential impact to revenue. SMAC generally concurred with maintaining the established policy of no fee credits for meeting standard stormwater control requirements.
- NPDES MS4 fee credits – SMAC noted that the original intention was to focus upon only the NPDES MS4 permittees yet at the same time this was not an area of significant discussion. Staff noted that industrial NPDES permittees are often included within the NPDES category of fee credit, where applicable. A broader definition to include industrial permittees would be the working recommendation going forward to accompany a potentially revised (lowered) level of fee credit (from current 35 percent to potential 10 percent).
- SMAC requested that staff seek to further quantify the benefits from stormwater control measures that may receive fee credits.
- Non-structural credits – SMAC expressed some concern over potentially providing education credits. Staff noted that these credits, if desired, could be based on a performance scale and that only more significant educational efforts (such as a school system for example) would be potentially able to earn the maximum (i.e., 10 percent) for this category.
- It was noted that a reduction in impervious area would result in a direct adjustment (lowering) of stormwater fees for a property. The fee crediting program is then available for approved structural and non-structural stormwater control measures that help mitigate the impact of runoff from the impervious area.
- SMAC noted that the monetary incentives through even an expanded system of fee credits might not be sufficient for a property owner to implement stormwater controls. Staff concurred that this is a general challenge for most stormwater utility fee crediting systems – the monetary payback may often not be a primary driver or high enough alone to implement controls, particularly in the case of retrofits. The City's current fee crediting system, however, only provides an incentive to manage the 25-year peak flow with no incentives available for water quality and/or volume control.
- SMAC noted the concept of volume trading – questioning if this concept can be potentially applicable to a fee crediting system. Staff noted that generally credit worthy measures would be undertaken by private property owners, in order to help lower their stormwater bills and manage stormwater. An on-site/off-site approach could be worked out amongst various property owners' drainage to a stormwater control measure or set of measures. The fee crediting program/policy would be the mechanism that provides the basis for credits.

- SMAC recommended too use caution in gleaning from other cities, particularly Baltimore. Staff noted that the City is trying to identify best practices locally, from across the state, and beyond to potentially leverage for the City's context. Baltimore was noted as a program that may provide a relatively high level of fee credit for the NPDES industrial component. Baltimore also provides a menu of potential fee credits for single-family residential property owners. Staff noted that they had a recent conference call with the City of Seattle, for example, and were able to learn of their programs and practices for fee credits, which are performance-based.
- SMAC expressed potential concern over perceived "double dipping" between the fee crediting program and stormwater quality cost share program. Staff noted that both programs continue to be reviewed in an effort to gain greater participation. It is possible that further aligned incentives for both programs could increase participation and thereby help advance stormwater goals.

5. **Other Business:**

Reappointments - *Ms. Durso was reappointed by City Council to serve another term on SMAC.*

Adjournment:

Mr. Carper made a motion to adjourn and Mr. Kane seconded. The meeting adjourned at 5:20 p.m.

Suzette Mitchell